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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,521	12/17/2001	Qiaobing Xie	CE08511R	6276
22917	7590	10/11/2005	EXAMINER	
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			PEZZLO, JOHN	
			ART UNIT	PAPER NUMBER
			2662	

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/025,521

Applicant(s)

XIE ET AL.

Examiner

John Pezzlo

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-14 is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

I. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng et al. (US 2002/0191544 A1).

1. Regarding claim 1 – Cheng discloses receiving a first bad frame a first plurality of times, refer to page 2 paragraphs 0020 and 0021.

Cheng discloses sending a first number of Acknowledgements (ACKs) or Negative Acknowledgments (NAKs) in response to the received first bad frames, refer to page 2 paragraph 0020 and 0021.

Cheng discloses declaring the first bad frame an aborted frame, refer to page 2 paragraphs 0016 and 0017.

Cheng does not expressly disclose receiving a second bad frame a second plurality of times.

At the time of the invention, it would have been obvious to an ordinary person of skill in the art that in the radio system of Cheng bad frames will occur a second plurality of times.

The suggestion/motivation would have been that in a radio system the occurrence of bad frames is very high and therefore radio systems are designed to handle the occurrence of a second plurality of times of bad frames.

Cheng does not expressly disclose sending a second number of ACKs or NAKs in response to the received second bad frames (refer to page 2 paragraph 0020 and 0021), wherein the first and the second number of ACKs or NAKs differ.

At the time of the invention, it would have been obvious to an ordinary person of skill in the art that in the first and the second number of ACKs or NAKs differ.

The suggestion/motivation would have been that in a radio system the occurrence of bad frames is very high and therefore radio systems are designed to handle the occurrence of a second plurality of times of bad frames and since the radio system varies due to noise and interference the numbers of ACKs and NAKs will differ.

Cheng discloses declaring the second bad frame an aborted frame, refer to 2 paragraphs 0016 and 0017.

2. Regarding claim 2 – Cheng discloses the step of receiving a first Radio Link Protocol (RLP) frame, refer to page 1 paragraph 0013.

3. Regarding claim 3 – Cheng discloses the step of declaring the first bad frame an aborted frame only after sending the first number ACKs or NAKs in response to the first bad frame, refer to page 2 paragraph 0020 and 0021.

Allowable Subject Matter

Claims 4-14 are allowable over the prior art of record.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Harris et al. (US 2003/0086403 A1) discloses a method for dynamically adjusting the number of retransmissions and NAKs in a communications system implementing TCP/IP.
2. Moulsey et al. (US 2002/0114291 A1) discloses a radio communication system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Pezzlo whose telephone number is (571) 272-3090. The examiner can normally be reached on Monday to Friday from 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Art Unit: 2662

Washington, D.C.

or faxed to:

(571) 273-8300

For informal or draft communications, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

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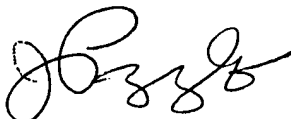
2A15

500 Dulany Street

Alexandria, VA, 22313.

John Pezzlo

28 September 2005



JOHN PEZZLO
PRIMARY EXAMINER